

**APRIL 26, 2016**

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MEETING MINUTES**

**7:00 P.M.**

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, Morrison and Schwartz present along with City Attorney Fogo, Interim City Manager Achen, City Clerk Davidson, Public Works Director Bradford, Finance Director Cowan, Community Development Director Westbay, several citizens and the press. A Council quorum was present.

**Consent Agenda:**

**The listing under “CONSENT AGENDA” is a group of items, which Council has already reviewed, to be acted on with a single motion or vote. This agenda is designed to expedite the handling of limited routine matters by Council. The Mayor will ask if any Councilor or Citizen wishes to have any specific item removed from the Consent Agenda and acted upon individually.**

**Approval of Habitat for Humanity Request to Waive Building Permit Fees;  
Appointment of New Election Commission Members and BOZAA Member;  
Approval of Contract for Service for “*Sources of Strength Program*” in the Amount  
of \$3,800.00;**

**Set Special Session of Council for Monday, May 9, 2016, at 12:00 P.M. for Council to  
Hold an Executive Session to Select City Manager Semi-Finalists and Direct  
SGR to Conduct Review on those Semi-Finalists; and**

**Set Public Hearing on Ordinance No. 4, Series 2016, for 7:00 P.M., May 10, 2016.**

City Clerk Davidson informed Council the three appointees to the Election Commission are Kathleen Kinkema, Susan Crawford for full terms and Sharon Cave as the Alternate, and for the appointment of Sharon Cave to the Zoning Board of Adjustments and Appeals.

Councilor Ferguson moved and Councilor Morrison seconded the motion to approve the Consent Agenda as read.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Consideration of Minutes:**

**Minutes of April 12, 2016, Regular Session Meeting.**

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the April 12, 2016, Regular Session meeting minutes as submitted.

Roll call vote, yes: Drexel, Hagan, Morrison, Ferguson. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Schwartz. He was absent from the meeting.

**Pre-Scheduled Citizens:** None.

**Old Business:** None.

**New Business:**

**Action on Terms for a Joint City-County Federal Lands Access Grant (FLAP) Grant  
Application for the Gold Basin Trail Project.**

Interim City Manager Achen and Community Development Director Westbay gave Council information on the proposed Federal Lands Access Program (FLAP) Grant. County Commissioner Jonathan Houck joined in the conversation. The Federal Highway Administration (FHA) has excess funds available from larger highway projects in the form of grants to enhance the public's access to federally-administered lands. The grant application being proposed is a joint application between the County and the City for the construction of the Gold Basin Trail Project. The trail would link the Hartman Rocks Recreation Area via a trail running on the east side of Gold Basin Road. The City is proposing adding links to the City's Thornton Way trail to enhance access on the west side of the City and to the Rio Grande Avenue bike trail to further access the trails on the south and east side of the City. Those links would add approximately \$60,000 to the total project. The FLAP Grant requires a 17.21% local grant match during the engineering and construction phases and a \$10,000 up front payment at the time of grant award. The estimated total cost of the project is \$1.5 Million, with the project cost to the City of approximately \$280,000-\$290,000. Funding is proposed to be taken from the 1A sales tax-generated funds. Approximately \$100,000 in City funds would be utilized each year for 2017-2018 and 2019. The County will write the application and administer the grant since federal grant funds require a higher level of auditing

than the City has at this time and that the County has in-place. Commissioner Houck stated the project is not only good for local citizens but for attracting visitors to the Valley. The FHA does the engineering and construction on the project. In addition to writing and administering the grant, the County will manage the project, give the easement for the trail along the east side of Gold Basin Road, will deal with any wetlands mitigation and will work with the FAA on any airport issues that arise. Director Westbay stated the proposal would provide great connectivity to federal lands. The trails linkage is already included in the City-adopted Trails Master Plan. The local Bureau of Land Management office, who administers Hartman Rocks, has indicated their interest in partnering on the project. The grant application is due May 21<sup>st</sup>.

Councilor Morrison indicated she is hesitant about the project since there are no absolute costs. She asked if the trail would be visible from Highway 50 as people traveled in from the west. Director Westbay stated that is the plan, that visibility and signage for the trail would increase its viability.

Councilor Schwartz stated the costs would be agreed upon in the grant application. Tonight, City Staff and the County are looking for direction on moving forward. Director Westbay stated City staff is fully in favor of the project. Since the City co-owns the Hartman Rocks base area that connectivity will enhance our in-town and out-of-town amenities. The County has agreed to do the maintenance on the trail once it is constructed. An Intergovernmental Agreement (IGA) between the City and the County will need to be developed and signed outlining the funding, grant administration, and trail maintenance provisions of the project.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to direct Staff to move forward and work with Gunnison County on the submission of the FLAP Grant application for the Gold Basin Trail Project and to prepare an IGA with the County for consideration as needed.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

**Action on Filing Statement of Opposition on Division 4 Water Court Case No. 16CW3009; Re: Gunnison River Upstream of City Wells.**

Director Bradford informed Council the City contracts with Water Attorneys in Denver who follow all water court cases in the Valley. They are recommending filing a statement of opposition for two reasons. One is to keep current with all information filed on the case and the other is to ensure the diversion of the proposed 0.4 cfs water right complies with the water engineers requirements. It is a junior right to the City's senior rights. This is a standard procedure in these water cases.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve notifying the City's Water Counsel to file the City's statement of opposition regarding the Division 4 Water Court Case No. 16CW3009.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Action on Supporting NWCCOG's Letters to Governor and Senator, Re: Federal Drought Action Plan Priority for Colorado River Basin.**

Frank Kugel, General Manager of the Upper Gunnison River Water Conservancy Board, stated he made minor changes to the letters for the NWCCOG's QQ and had them include sending the letter to Senator Cory Gardner as well. He supports the letters and CML has recommended their approval as well.

Councilor Morrison moved and Councilor Drexel seconded the motion to support the Northwest Colorado Council of Government's letters to Governor Hickenlooper and Senators Bennet and Gardner regarding encouraging federal agency cooperation in the Colorado River Basin water issues.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

**Resolutions and Ordinances:**

**Ordinance No. 1, Series 2016; Re: Additional Appropriations to 2016 Budget; 2nd Reading.** Councilor Ferguson introduced Ordinance No. 1, Series 2016, and it was read by title only by the City Attorney.

Councilor Ferguson moved and Councilor Drexel seconded the motion that Ordinance No. 1, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016**, be introduced, read, passed including the amounts in the document, and adopted on second and final reading this 26th day of April, 2016.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Ordinance No. 2, Series 2016; Re: Approving Major Change to the Gunnison Rising PUD; 2nd Reading.** Councilor Drexel introduced Ordinance No. 2, Series 2016, and it was read by title only by the City Attorney.

Councilor Drexel moved and Councilor Ferguson seconded the motion that Ordinance No. 2, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 2.1: PUD ZONING AND LAND USE ALLOCATIONS; SECTION 2.6: HIGHWAY ACCESS CONTROL PLAN; AND APPENDIX A: DEVELOPMENT PHASING WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS**, be introduced, read, passed and adopted on second and final reading this 26th day of April, 2016.

As with the first reading of the Ordinance, Mayor Hagan explained he was voting no on the Ordinance because he thinks the increase in allowed commercial square footage is too large and will have a negative effect on the existing Main Street and Tomichi commercial districts. There is plenty of available property vacant in the existing commercial zones. Councilor Ferguson stated he is voting for the Ordinance since it helps further the cause of the WSCU Foundation to accomplish what they envision on their property and he doesn't see a direct conflict between the commercial property on the Gunnison Rising property and the existing commercial zones. He thinks the areas will have different draws for different types of businesses. By approving this increase, the City is following the recommendation of the Community Builders Task Force to jump start economic growth in the community.

Roll call vote, yes: Drexel, Morrison, Schwartz, Ferguson. Motion carried.

Roll call vote, no: Hagan.

**Ordinance No. 3, Series 2016; Re: Text Amendment to Gunnison Land Development Code Regarding Tree and Shrub Buffer Plantings; 2nd Reading.** Councilor Morrison introduced Ordinance No. 3, Series 2016, and it was read by title only by the City Attorney.

Councilor Morrison moved and Councilor Schwartz seconded the motion that Ordinance No. 3, Series 2016, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, TO AMEND SECTION 2, ZONING DISTRICTS; SECTION 4, GENERAL DEVELOPMENT STANDARDS; SECTION 9, DEVELOPMENT STANDARD WAIVERS; AND, SECTION 12, SUBDIVISION STANDARDS WITHIN THE CITY OF GUNNISON LAND DEVELOPMENT CODE**, be introduced, read, passed and adopted on second and final reading this 26th day of April, 2016.

Discussion ensued. Community Development Director Westbay informed Council that, after speaking with Councilor Schwartz, the intent of Section 4.4 F. Off-Street Parking was not clear. The wording is too restrictive as written and needs to be amended.

Vote on amendment: Councilor Ferguson moved and Councilor Morrison seconded the motion to amend Section 4.4 F. on page four of the Ordinance to read "Off-street parking areas are subject to the following driveway access standards:"

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

Vote on original motion:

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

**Reports:**

**City Attorney Kathleen Fogo:** Nothing further to report.

**Interim City Manager Mark Achen:** Interim City Manager Achen reported on the following: the Special Session that Council set for May 9<sup>th</sup> will start at 12 Noon and Council will select the City Manager semi-finalists and lunch will be provided; there will be a “Race for Freedom” event starting at Char-Mar Park and on the VanTuyl Trails on Saturday morning and then the “Out of Darkness Walk for Suicide Prevention” event will take place starting at the High School to the Community School and onto the VanTuyl trails on Sunday; the annual Hartman Rocks Cleanup will take place starting on Sunday morning; and he thanked Councilor Morrison for reviewing the marketing brochure from the State. Councilor Morrison stated it is more of a Tourism Association piece and has a very high price for a print ad. Manager Achen then informed Council that he and Staff passed out downtown sidewalk surveys to the businesses last week and approximately one third have already been returned.

**Acting City Manager: PW Director Tex Bradford – Semi-Annual Department Report.** Public Works Director Bradford asked Council if they had any questions regarding the report he submitted. There were no questions regarding the report.

**City Clerk Gail Davidson:** informed Council that Alex Alejandre, the Council WSCU Liaison, stopped by her office this afternoon and asked that Council be notified he will not be attending any future Council meetings. It is getting to the end of the semester and his schedule is filling up. He wants to thank all of Council for the opportunity to work with them and he found it to be a rewarding experience. Council agreed that Alex did a good job of representing Western students.

**Western State Colorado University Student Liaison Alex Alejandre:** absent.

**Non-Scheduled Citizens:** None.

**City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Ferguson:** reported he attended no meetings last week and therefore has no report. Councilor Ferguson thanked Eric Freson, Gunnison Chamber of Commerce Executive Director, for attending the meeting.

**Councilor Drexel:** reported that Region 10 has made an offer to an individual for the Business Loan Fund vacancy. He will be attending the Region 10 meeting on Thursday and will find out if the person accepted the position.

**Mayor Hagan:** reported he, Leia and Steve Westbay attended the meeting with CDOT in Grand Junction last Thursday. There were five high-level CDOT representatives present as well. They discussed the Tomichi Avenue highway corridor design ideas and a few of the ideas proposed for Main Street. He felt CDOT was fairly receptive of the design. They talked about protected bike lanes, highway crossings including pedestrian activated flashing walk lights, and then discussed funding possibilities. Councilor Morrison added she felt the meeting was very positive. She feels they are starting to understand the safety issues as the basis for these changes. There will be one more community meeting on the Complete Streets Project for the community on May 26<sup>th</sup>. CD Director Westbay added that the City is now working on building partnerships for potential funding opportunities and he will be bringing forward a grant application letter to Council for their review next week. The grant application needs to be submitted by the end of May. Mayor Hagan then stated he attended the Community Cleanup Event last Saturday and City Staff did a great job on the event. He attended the Upper Gunnison River Water District meeting last night and it was reported the Gunnison Basin is at 93% of normal and Blue Mesa Reservoir is projected to be filled to 90% capacity this summer. The Water Board also talked about a Trout Unlimited proposal but endorsement for that proposal wasn’t given at the meeting. The Board will discuss it further.

**Councilor Morrison:** reported in addition to the 6-½ hour CDOT meeting last Thursday, she attended the Chamber Board meeting this morning. The Visitor Center organizational meeting will take place on Wednesday morning. The annual Summer Forecast meeting is coming up and there will be Valley-wide participation in that meeting on Tuesday, May 10<sup>th</sup> at the Fred Field Center. Restaurant Week did well last week and the Chamber is preparing for many summer events.

**Councilor Schwartz:** informed Council he attended the RTA planning process meeting. Surveys will be distributed this summer regarding transportation needs in the Valley. Councilor Schwartz then asked Council if they are interested in the City becoming a member of the Downtown Colorado Inc. organization. It is \$295.00 dues per year and in light of what is being proposed by the CBTF for downtown Gunnison, he thinks the organization could be a valuable information resource on those issues. Council consensus was to join the organization and pay the dues out of the City Council dues line item.

**Adjournment:** Mayor Hagan called for any further discussion from Council, Staff or the public, and hearing none, adjourned the Regular Session meeting at 8:07 P.M.

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Mayor

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City Clerk